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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,373	07/22/2003	Kevin L. Parsons	89390	3640
24628	7590	06/24/2005		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER NEILS, PEGGY A	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/624,373

Applicant(s)

PARSONS, KEVIN L.

Examiner

Peggy A. Neils

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu et al.

Yu et al shows a flashlight with a body portion 10 with a spring clip 32 at one end and a light emitting diode (LED, 14) at the opposite end. A battery 40 provides power to the flashlight and switch 28 is capable of provide intermittent or continuous activation of the LED. The leads 48, 50 of the LED are disposed on opposite sides of the battery. The body portion 18 is structured with a recess 38 in a bottom portion and an open top 20 portion.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 10, 11, 15-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Yu et al.

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Hsu shows a flashlight which includes two batteries 50 to operate the flashlight. As shown in Figure 6, the top and bottom portions of the flashlight are formed of an elastomeric material that permits temporary deformation of the top cover for intermittent illumination of the flashlight. A plurality of rings 61 and 62 are formed in the top surface. Hsu et al shows a key ring 70. Yu et al teaches that it is known in the art to have a split ring key ring. It would have been obvious to one skilled in the art that Hsu could be modified to include a split ring key ring in the same manner as taught by Yu et al because both references are directed to similarly structured flashlights.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al in view of Guthrie.

Guthrie teaches that it is known in the art to use an insulative disk between a flashlight switch and a battery surface. Yu et al has a switch on pedestal 62 contacting spring 54. Spring 54 is not shaped as a disk but accomplishes the same function for momentarily contacting the battery. Yu et al does state that other spring and switch mechanisms could be used to activate the flashlight (see column 3, beginning at line 18). It would be obvious to one skilled in the art that Yu et al could use an insulative disk in the switching mechanism in the same manner as taught by Guthrie because both references are directed to small compact flashlight mechanisms.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al in view of Altman.

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Altman teaches that it is known in the art to have a small handheld flashlight with a removable bottom portion 18. It would be obvious to one skilled in the art that the flashlight of Yu et al could be modified to provide for a removable bottom portion in the same manner as taught by Altman because both references are direct to small compact type flashlights.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu and Yu et al as applied to claims 15, 16, and 17 respectively, and further in view of Guthrie.

Guthrie teaches that it is known in the art to use an insulative disk between a flashlight switch and a battery surface. Hsu in Figure 6 shows the switch directly contacting the lead of the LED and moving it into contact with the battery. It would have been obvious to one skilled in the art that Hsu could be modified to use a disk between the switch and LED lead in the same manner as taught by Guthrie as both flashlights are similarly structured.


Claims 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu and Yu et al as applied to claim 15 above, and further in view of Altman.

Altman teaches that it is known in the art to have a small handheld flashlight with a removable bottom portion 18. It would be obvious to one skilled in the art that the flashlight of Hsu could be modified to provide for a removable bottom portion in the same manner as taught by Altman because both references are direct to small compact type flashlights. The material of the bottom is not considered pertinent to the operation of the flashlight device and hence is considered a design feature.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huang, Chang and Bogal are cited of interest for showing various flashlight arrangements.

Any questions regarding this Office action should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday.

  
**Y. MY QUACH-LEE**  
**PRIMARY EXAMINER**